

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
FEBRUARY 23, 2009 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Councilwoman
Leo Olivarez, Mayor Pro Tem
David Guerra, City Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ALSO PRESENT:

Kathy Olivarez, Progress Times
Jim & Jann Schroeder
Mindy Schroeder
Maggie Birmingham
Arlene Rivera
Pat Townsend Jr.
Fred Kurth
Rich Bellert
Francis Ciancarelli

ABSENT:

Celestino Ramirez, Councilman

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Hernestina Esparza, Administrative Asst.
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Subdivision Coordinator
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Ricardo Balderas, Acting Fire Chief
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Noemi Munguia, HR Director
Rosie Salazar, Risk Manager
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Rolando Rodriguez, DP Manager
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Mayra Rocha, Speer Memorial Library
Jonathan Wehrmeister, Judge
Jesse Lerma, Civil Service Director
Omar Garcia, Boys & Girls Club Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:36 p.m.

2. Pledge Allegiance and Invocation

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Mayor Salinas led the meeting with the pledge of allegiance and City Manager Julio Cerda gave the invocation.

3. Departmental Reports

Mayor Pro Tem Leo Olivarez moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 3-0.

4. Citizens Participation

Rich Bellert, from Aladdin Villas invited Mayor and Council to the Winter Texan Fiesta being held on Saturday, February 28, 2009.

Maggie Birmingham, Wagon City South thanked Mayor, Council and Staff for their kindness during the recent loss of her husband.

Mindy Schroeder, invited Mayor, Council and staff to the Classic Car Show being held Saturday, February 28, 2009.

Francis Ciancarelli, 3709 San Clemente asked to amend the City ordinance to include notifications to be sent to the Home Owners Association.

At 4:47 Councilwoman Norie Gonzalez Garza joined the meeting.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: The E. 150' of the W. 330' of the N. 180' of Lot 24-11, W.A.S Subd., R-1 to C-1, Hector Castaneda

The subject site was 150' from the southeast corner of Bryan Road and Griffin Parkway. The surrounding zonings included Office Buildings (C-1) to the west, Single Family (R-1) to the east, Townhouse Residential (R-1T) to the south; and Large Lot Single Family (R-1A) to the north across Griffin Parkway. The City's Future Land Use Map reflected a General Commercial (GC) designation, which C-1 was directly consistent with. Primary features that may induce a non-residential use included: frontage to a major thoroughfare, adjoining existing C-1 corner, which may, at some future point, interface maneuverability to maximize traffic safety access/exit, and C-1 appeared consistent to a slowly evolving commercial corridor. Staff recommended approval. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the rezoning.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the zoning request. There was none.

Mayor Pro Tem Olivarez moved to approve the rezoning as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

2.0 Disposition of Minutes

2.1 City Council Minutes – February 9, 2009

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

3.1 Parks & Recreation Board – January 13, 2009

Citizen’s Advisory Committee – January 13, 2009

Mission Economic Development Corporation – January 20, 2009

Planning and Zoning Commission – January 14, 2009

Councilwoman Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Approval of Ord. # 3441 for Rezoning of The E. 150’ of the W. 330’ of the N. 180’ of Lot 24-11, W.A.S. Subd., R-1 to C-1

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3441 for rezoning of the E. 150’ of the W. 330’ of the N. 180’ of Lot 24-11, W.A.S. Subdivision R-1 to C-1 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3441

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING REZONING OF THE E. 150’ OF THE W. 330’ OF THE N. 180’ OF LOT 24-11,
WEST ADDITION TO SHARYLAND SUBDIVISION, FROM R-1 TO C-1

4.2 Request by J.A. Garza Associates for an Extension of ‘Approved’ Preliminary Plat of Las Villas of First Assembly of God Church No. 2 Subd., a 2.50 acre tract of land of Lot 241, JHS, R-1

Developer: First Assembly of God

Consultant: JA Garza Assoc.

On July 9, 2007, the City Council conveyed a Preliminary Plat Approval to the plat. All codes were met including the paving of their portion of a collector street. On storm, they propose typical greenscape detention areas as well as 24” lines that diverted the runoff into the drainage ditch south of the Edinburg Main Canal. The Capital Sewer Recovery fee would equate to \$7125 would be imposed.

The request said that they were seeking an additional six (6) months to fully build the infrastructure and record the plat.

Staff and City Manager recommended approval subject to a six (6) month extension retroactive to the expiration date of July 2008; said extension to expire on August 23, 2009.

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Councilman Plata moved to approve request by J.A. Garza Associates for an extension of six (6) months 'Approved' Preliminary Plat of Las Villas of First Assembly of God Church No. 2 Subdivision a 2.50 acre tract of land of Lot 241, JHS, R-1 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.3 Request by Adalberto Lopez to Have Private Fencing over Public Right of Way at 1806 Magnolia St. Being Lot 8, Colinas Del Rio Phase 2

Mr. Lopez had fenced-in a portion of Magnolia Street ROW in front of his Lot 8, Colinas Del Rio Phase 2 with street address being 1806 Magnolia Street. In viewing the utility plans, there was an existing 8" water line on that side of the street; thus, already partially fenced-in.

Sec. 94-4 of Mission's Code of Ordinance says "...it shall be unlawful for any person within the city without obtaining a permit to erect...any fence, wall, hedge, structure or any other character of obstruction over, on or across any public property, way, alley, street, sidewalk...."

Others in this neighborhood were fully compliant. Mr. Lopez was the only one who had fenced in the City's ROW. If this request was permitted; it may set precedence to others to similarly fence in the city's utilities in ROWs.

Staff and City Manager recommended denial.

Mayor Pro Tem Olivarez moved to deny the request by Adalberto Lopez to have private fencing over Public Right of Way at 1806 Magnolia Street Being Lot 8, Colinas Del Rio Phase 2 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.4 Discussion and Action to Approve Annexation Schedule for Area North of 2 Mile Rd. between Conway Ave. and ¼ Mile West of Trospen (Holland Rd.)

In the City of Mission's efforts to continue to square-off our city limits where sanitary sewer and/or city water lines were evident, this annexation schedule was being proposed.

This tract comprised of 357.67 acres being the area north of 2 Mile Road between Conway Avenue and ¼ mile east of Trospen (Holland). There were several residences, residential estate settings as well as an elementary school. The entire area was in Mission's sewer CCN and some sewer lines were already evident. The water service provider was the City of Mission.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Annexation schedule for area North of 2 Mile Road between Conway Avenue and 1/4 Mile West of Trospen as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.5 Approval of the Planning Department's Population Determination for 2008 as it relates to any Potential Increase to the number of Wrecker Companies and Taxicabs Serving the City

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Pursuant to Sec. 118-85 (b) of the Vehicles of Hire Code on Wreckers, and Ordinance No. # 3313 for taxicabs, the Planning Department was required to annually estimate the City's population for the previous year in order to monitor the number of wrecker companies and taxicabs that can be authorized to work in the City of Mission. In the regard, staff presented the following:

City Council's 2007 Population Approved:	65,967
<u>Planning's Est. Increment in 2008:</u>	<u>2,029</u>
Total Est. Population for 2008:	67,996

The population noted above did not induce the increase to the number of wreckers since the current permitted number was 11, wreckers were increased in 10,000 population incremented; thus, once Mission was at 120,000 in population, then one (1) additional wrecker can be permitted.

The population noted above did not induce the increase to the number of taxis since the current permitted number was 4, taxicabs were increased in 20,000 population incremented or major fraction thereof; thus, once Mission was at 90,000 in population, then one (1) additional taxicab can be permitted. i.e., 90,000 divided by 20,000 increment = 4.5 which was then rounded off to 5

Planning estimates Mission's population at the end of 2008 as 67,996.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Planning Department's Population Determination for 2008 as it relates to any Potential Increase to the Number of Wreckers Companies and Taxicabs Serving the City as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.6 January 2009 Financial Statements

Mrs. Janie Flores presented the Financial Statements for January, 2009, for acceptance.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Financial Statements for January, 2009, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.7 Tax Collections Report – January, 2009

Mrs. Flores presented the Tax Collections Report for January, 2009, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Tax Collections Report for January, 2009, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.8 Budget Amendments – General Fund, CDBG Fund, PD Federal Sharing Fund, PD State Sharing Fund

Mrs. Flores, Finance Director presented the budget amendments BA-39 thru BA-44 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-39 thru BA-44 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.9 Approval of Ord. # 3442 granting a wet designation for 2310 N. Conway, Unit A, Bebo's Drive Thru

Owner was requesting that the property be wet zoned for Wine and Beer Retailers Off-Premise Permit.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3442 granting a wet designation for 2310 N. Conway, Unit A, Bebo's Drive Thru as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3442

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO. 780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 2310 N. CONWAY, UNIT A.

4.10 Approval of Amendment to Interlocal Cooperation Agreement between County of Hidalgo and City of Mission for Rd., Improvements to Schuerbach Rd.

Attached was an Amendment to the Interlocal Cooperation Agreement between the County of Hidalgo and the City of Mission in relation to the joint undertaking of road improvements to Schuerbach Road. The road improvements to Schuerbach Road a distance of 1630' as new construction, Old Military Road a distance of 7780' with new overlay and 840' of new road construction south of NABA Park.

The County was requesting to change the completion days in paragraph 8 from 180 days to 360 days. The original Interlocal Agreement was approved on May 27, 2008.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Amendment to Interlocal Cooperation Agreement between County of Hidalgo and City of Mission for Road Improvements to Schuerbach Road as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.11 Approval of Resolution # 1224 to adopt a Settlement Agreement between the City of Mission & Texas Gas Service

A Resolution of the City Council of the City of Mission, Texas approving a settlement agreement between the City and Texas Gas Service Company with regards to the Company's proposal to implement interim Grip Rate Adjustments for Gas Utility Investment filed on October 30, 2008; and determining that this Resolution was passed in accordance with the requirements of the Texas Open Meeting Act; and declaring an effective date.

At the November 24, 2008 City Council Meeting the council approved Resolution No. 1218 to suspend the effective date of Texas Gas Service rate increase for up to 90 days, a decision supported by the Lower Rio Grande Valley Development Council. The settlement agreement reduces the proposed surcharge increase for residential as well as all Texas Gas Service customers.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1224 to adopt a Settlement Agreement between the City of Mission and Texas Gas Service as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

RESOLUTION NO. 1224

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, ("CITY") APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY AND TEXAS GAS SERVICE COMPANY ("TGS" OR "THE COMPANY") WITH REGARD TO THE COMPANY'S PROPOSAL TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT FILED ON OCTOBER 30, 2008; REQUIRING THE COMPANY TO FILE COMPLIANCE TARIFFS THAT REFLECT AN INTERIM GRIP RATE ADJUSTMENT CONSISTENT WITH THE SETTLEMENT AGREEMENT; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETING ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

4.12 Authorization to submit application for the FEMA FY 2008 Fire Prevention & Safety Grant

The Mission Fire Department was seeking authorization to submit a grant application to the Federal Emergency Management Agency 2008 Fire Prevention and Safety Grant. This grant would support projects that enhance the safety of the public and firefighters from fire and related hazards. Examples of the types of projects supported by FP&S included fire prevention and

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public safety education campaigns, juvenile fire-settle interventions, media campaigns, and arson prevention and awareness programs. The grant had a cost share of 20% of the total project cost.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to submit application for the FEMA FY 2008 Fire Prevention & Safety Grant as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.13 Authorization to postpone the bid date for the construction of the expansion of the North Water Treatment Plant

On January 12, 2009 City Council authorized the solicitation for bids for the construction of the expansion of the North Water Treatment Plant. Bid date for this project was March 19, 2009, staff was requesting to postpone the bid, due to the City of Mission applying for stimulus package monies for “shovel ready” projects. Staff would continue their efforts to get the type of funding for this water plant expansion.

Contractors would be notified via Addendum by Purchasing Department and Project Engineer Melden & Hunt to advise on the changes due to the stimulus package.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to postpone the bid date for the construction of the expansion of the North Water Treatment Plant as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.14 Approval of Resolution # 1225 endorsing certain legislative changes to enhance the Competitive electric market supported by South Texas Aggregation Project, Inc.

The City of Mission was a member of South Texas Aggregation Project, Inc. (“STAP”). The STAP Board of Directors had voted to authorize certain legislative efforts on behalf of its members during the 81st Texas Legislative Session. STAP would capitalize on the presence established by STAP and its sister organization, Cities Aggregation Power Project (CAPP), during the last three legislative sessions to apprise legislators of STAP Cities’ perspective on electric issues and to recommend legislative action.

STAP had created a legislative agenda that aimed to transition the electric market from a deregulated market to a truly competitive one by limiting market power, eliminating cost shifting, and creating competitive options for all customers. The STAP legislative agenda items reflected STAP's desire for a truly healthy electric market where consumers can save and competition can flourish. Such a market - one where power remains affordable and reliable would mean more economic development for Texas cities, and a better standard of living for our citizens.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1225 endorsing certain legislative changes to enhance the Competitive electric market supported by South Texas Aggregation Project, Inc. as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1225

A RESOLUTION OF THE CITY OF MISSION, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES TO ENHANCE THE COMPETITIVE ELECTRIC MARKET SUPPORTED BY SOUTH TEXAS AGGREGATION PROJECT, INC.

4.15 Approval of Resolution # 1226 Amending the 10 year Prioritization Plan of the Parks & Recreation Department's 'Park, Recreation and Open Space Master Plan'

The Mission Parks and Recreation Department had revised a Parks, Recreation, and Open Space Master Plan for the purpose of submitting new state and federal grants. This revision of the Master plan was essential in order to accommodate growth, needed in certain areas, and public input.

The Parks and Recreation Board met on February 9, 2009 to review and provide a recommendation for the proposed plan. The Board recommended the approval of the Master Plan's ten (10) year prioritization plan as presented.

A "Notice of Public Hearing" was posted at City Hall, Fire Station #4, and the Parks and Recreation Center to solicit citizens' opinion.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Resolution No. 1226 amending the 10 year Prioritization Plan of the Parks & Recreation Department's 'Park, Recreation and Open Space Master Plan' as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

RESOLUTION NO. 1226

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING THE 10 YEAR PRIORITIZATION PLAN OF THE PARKS & RECREATION DEPARTMENT PARK, RECREATION AND OPEN SPACE MASTER PLAN FOR THE CITY OF MISSION

4.16 Request by Sharyland Storage Subd., (un-recorded) to Tie Private Sewer Service Line into Existing Private Sewer Service (Taco-Ole) Instead of the Sewer Main

The developer of Sharyland Storage was requesting that their private sewer service line be tied into Taco-ole's 4" private service line. They were requesting this in order to avoid tying into the 12" sewer main within Business Highway 83's pavement width

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The 12” sewer main was 14’ under the pavement width of Business Highway 83. Also, this business developer was constructing storage units at the site with the Council’s approval prior to plat recording indicating that the primary sewage use would be for one restroom for ‘office’ use.

The owner of Taco-ole, Elias Bazan was in agreement with this proposal and had given his consent.

In assessing the minor ‘office’ use and to avoid open cutting a major thoroughfare, staff had no objections.

Staff and City Manager recommended approval subject to recording a private sewer service easement by Elias Bazan in agreement with this proposal.

Mayor Pro Tem Olivarez moved to approve the request by Sharyland Storage Subdivision un-recorded to tie private sewer service line into existing private sewer service Taco-ole instead of the Sewer Main as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.17 Authorize City Manager to engage Gomez, Mendez, Saenz, Inc. for feasibility study for proposed park improvements at CWV Park on South Mayberry & Bannworth Park

Authorization was being requested to engage Gomez, Mendez, Saenz, Inc for feasibility study for proposed park improvements at CWV Park on South Mayberry and Bannworth Park.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize City Manager to engage Gomez, Mendez, Saenz, Inc. for feasibility study for proposed park improvements at CWV Park on South Mayberry and Bannworth Park as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

5.0 Unfinished Business

5.1 Discussion and Action to Amend & Update the City of Mission’s Parks & Recreation Master Plan’s 10-Year Prioritization Plan

Councilwoman Garza moved to remove item from the table. Motion was seconded by Councilman Plata and approved unanimously 4-0.

The City of Mission had worked extensively on several parks that were highly prioritized in the prevailing Master Parks Plan. From time-to-time, the Master Parks Plan and especially City’s 10-year prioritization goals, needed to be re-evaluated pursuant to growth, needed, public input. If funding the opportunity to enhance our parks become available, this may also be factored in.

Staff, Management, and the Mission Parks Committee held a public meeting to discuss and evaluate the City’s 10-year prioritization plan. After soliciting public input, the enclosure reflected the update to that plan with a more simplified rating system. A synopsis was given as follows:

- ❖ place the **Northwest Park as Priority #1** moved up from 2nd; Bentsen was substantially completed thus the need for this rotating adjustment
- ❖ place **Bannworth Park as Priority #2** on development; induced via public input and need.
- ❖ place the **CWV Park & Mission Skate Park as Priority #3** moved up from a priority 4 level; public input and need in a fairly congested area of the city
- ❖ place **Birdwell Park as Priority #4**
- ❖ keep as a **Priority #5 goal La Lomita Park**; substantially remains in the same range of prioritization
- ❖ adjust the **Bentsen Palm Park to Priority #6**; as a regional park for the city, this should typically remain in the top 6 for perpetual enhancement.
- ❖ **Balance of parks re-numbered in a series of 6's thru 9's no rotation at that time**

Staff and City Manager recommended approval with the above adjustments pursuant to public input, need, and growth.

Action was taken with item 4.15.

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

Requested workshop to be held on Tuesday, March 3, 2009

7.0 Adjournment

At 5:27 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary